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U.S. DISTRICT COURT E.D.N.Y.

★ JUN 23 2006 ★

**MEMORANDUM TO
THE HONORABLE JOHN GLEESON
UNITED STATES DISTRICT JUDGE**

BROOKLYN OFFICE

**RE: Pobukovsky, Irene
DOCKET No. 02-CR-1386-01
NOTIFICATION OF RESTITUTION
ARREARS**

Reference is made to the above-captioned offender who was originally sentenced by Your Honor on February 20, 2004, to three (3) years Probation with the following special conditions; 1) three (3) months home detention under the supervision and direction of the Probation Department 2) \$2,225 in Restitution payable at a rate of 15% of the defendant's net monthly income, 3) Full financial disclosure to the Probation Department, and 4) Participation in a substance abuse treatment program as directed by the Probation Department. A \$100 Special Assessment (which was satisfied on September 12, 2005) was also imposed. This sentence followed the offender's guilty plea to one-count of "Mail Fraud," in violation of 18 U.S.C. 1341.

The offender violated the conditions of her Probation term and on November 30, 2004, the Court revoked her supervision term and sentenced her to two (2) months custody, after which she will be placed back on supervised release that will end on February 20, 2007. All previously imposed special conditions remained in effect. Further, the Court ordered that the offender receive drug treatment as directed by the Probation Department.

On September 27, 2005, the Court (based upon the recommendation of this Department) ordered the modification of the conditions of the offender's supervision term to establish a Restitution payment schedule of \$150 per month effective September 2005. On February 16, 2006, the Probation Department notified the Court via memorandum that the offender was in default on her Restitution payments. We requested that the Court take no action as she recently became unemployed and remitted a \$150 Restitution payment on February 13, 2006.

The purpose of this memorandum is to advise the Court that the offender is, again, in default of her Restitution obligation. In March 2006, the offender secured full-time employment as an office manager at a medical office earning \$2,000 per month in wages. The offender has reported to the Probation Department that her employer has failed to pay her as promised. Further, as corroborated by a letter, dated May 31, 2006, by Dr. Joseph Iwanicki, the offender is currently thirteen (13) weeks pregnant. On June 12, 2006, the offender submitted a \$50 payment towards her Restitution account and she has agreed to make a "good faith" payment each month, until her financial circumstances improve, at which time she can continue to pay \$150 per month as ordered by the Court.

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In light of the offender's current financial plight as well as her pregnancy, we respectfully recommend that the Court take no action at this time. The Probation Department will continue to keep the Court apprized of any developments in this matter.

Very truly yours,

Tony Garoppolo
Chief U.S. Probation Department

PREPARED BY: Laura A. Tait

Laura A. Tait
U.S. Probation Officer

APPROVED BY: Lawrence M. Cavagnetto

Lawrence M. Cavagnetto
Supervising U.S. Probation Officer

Dated: June 12, 2006

COURT ORDERS:

NO ACTION BE TAKEN
AT THIS TIME:

s/John Gleeson

6-13-06

U.S. District Judge

Date

OTHER COURT ACTION:

U.S. District Judge

Date